

| DIST/C PRICE | DOCKET YR. NUMBER | FILING DATE MO. DAY YEAR | J | N/S | O | R | R 23 | \$ | DEMAND OTHER | JUDGE NUMBER | JURY DEM. | DOCKET YR. NUMBER |
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| 1085/4 | 75 0321 | 07 21 75 | 3 | 443 | 1 | | | 20 | Inj. | 8509 | P D | 75 0321-B |

PLAINTIFFS

KENNETH R. THOMAS and LINDA R. THOMAS

DEFENDANTS

FERRELL INVESTMENT COMPANY, INC.;
E. RAY FERRELL, SR., and MRS. E.
RAY FERRELL

CAUSE

42 USC §3601
42 USC §1981 & 82 Action to remedy racial discriminatory housing.

ATTORNEYS

Gordon D. McAllister
James Goodwin & David W. Cole
122 North Greenwood
Tulsa, OK 74120
582-9181

Frank R. Hickman (Ferrell & Ferrell)
1419 South Denver (all defts.)
Tulsa, Okla. 74119
918/582-9773

Jay Mulkeen
1425 H Street, N.W.
Suite 410
Washington, D. C. 2005
(202) 783-8150

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| <input type="checkbox"/> CHECK HERE IF CASE WAS FILED IN FORMA PAUPERIS | FILING FEES PAID | | | STATISTICAL CARDS | |
| | DATE | RECEIPT NUMBER | C.D. NUMBER | CARD | DATE MAILED |
| | | | | JS-5 | 08-01-75 |
| | | | | JS-6 | 4-1-78 |

| DATE | NR. | PROCEEDINGS |
|----------------------|-----|---|
| 7-21-75 | 1 | Complaint, filed. Summons issued.k |
| 7-25-75 | 2. | Interrogatories of defts. Ferrell & Ferrell, filed. hm |
| 7-29-75 | | US Marshals Served Summons returned and filed. / E. Ray Ferrell, Sr. & Mrs. E. Ray Ferrell, Sr., on 7-23-75 by serving Mrs. Ferrell at Tulsa, Oklahoma W/fees of \$3.60, filed. mm |
| 8-12-75 | 3 | Defts. E. Ray Ferrell, Sr. & Mrs. E. Ray Ferrell, Sr. Appli. for Extension of Time til 8-28-75 to plead or answer W/Order Granting, filed. (JCS-C) mm cps mld |
| 8-25-75 | 4. | Answer of pltf., Linda R. Thomas, to interrogs. of defts., filed. lm |
| 8-25-75 | 5. | Answers of pltf., Kenneth R. Thomas, to interrogs. of defts., filed. lm |
| 8-27-75 | 6. | Answer & Cross-Complaint of Defendants, E. Ray Ferrell, Sr. and Mrs. E. Ray Ferrell, Sr., filed. mm |
| 8-27-75 | 7. | Defendant's Motion to Require Plaintiff to Answer Interrogatories, filed. mm |
| 9-5-75 | MO | It is ordered by the Court that this case is hereby referred to Mag. Bradford for F&R re deft.'s mot. to require pltf. to ans. interrog. (AEB-J)k |
| 9-12-75 | 8. | Reply of pltf. to def. mo/require ans. to interrogatories, filed. rm |
| 11-21 | MO | Case set for hrg. before Mag Bradford re Deft's motion to require pltf. to ans. interrog. on 12-10-75 at 2:00 p.m. (MLB-Mag)k |
| 12-10 | 9. | Interrogs. to Defts., filed. v |
| 12-10 | MO | Case called for hrg. before the Magistrate on Deft's motion to require pltf. to ans. interrog. Pltf. neither present nor represented. Deft. represented. Answers to interrogs. 4 and 7 have been complied with. Mag. recommends motion be sustained & ptlf. be directed to ans. interrogs. 2, 9, 12, 13, 14 and 18. Deft. counsel to pre- pare F&R and proposed Order within 5 days. (MLB-Mag)k |
| 12-15 | 10. | Findings and recommendations of Magistrate, filed. Mag. finds that the motion re- garding questions 4 and 7 is moot for the reason that such information has hereto- fore been supplied. Recommends questions 2, 9, 12, 13, 14 and 18 be fully answered within 20 days from this date. Magistrate takes under advisement the right of the attorney for defts. to a reasonable fee regarding this motion. (MLB-Mag)k cps mld |
| 12-31 <u>1976</u> | 11. | Pltfs' answers to specific interrogs. of defts., filed. ph |
| 1-6 | 12 | Ordered that Deft's Motion to require pltf to ans. interrog., be and the same is hereby sustained, filed. (AEB-J)tc cps. mld. |
| 1-12 | 13. | Answers to interrogs. of defts. E. Ray Ferrell, Sr. and Mrs. E. Ray Ferrell, Sr., filed. ph |
| 1-27 | MO | Case set for disposition on 2-10-76 at 10:00 a.m. for failure of pltf. to prosecute as to Deft. Ferrell Investment Co., Inc. (AEB-J)k cps by cert ml |
| 2-10 | | Summons & Complaint, ret & filed: Served Ferrell-Investment Co., Inc. c/o E. Ray Ferrell, Sr. at Tulsa, OK, on 2-9-76. (USM \$4.44)ph |
| 2-10 | | Case called for disposition for failure of Pltf. to prosecute as to Deft. Ferrell Invest. Co., Inc. Mr. Goodwin & Mr. Hickman present, & Pltf. announces Ferrell Invest, was served, Deft, co, acknowledges receipt of service. (AEB-J)b |

CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF | | DEFENDANT | DOCKET NO. <u>75-C-321</u> |
|-------------------|------|---|----------------------------|
| Kenneth R. Thomas | | Ferrelll Invest. Co. | PAGE ____ OF ____ PAGES |
| DATE | NR. | PROCEEDINGS | |
| 2-26-76 | 14. | Answer of Ferrell Invesment Co., filed. hm | |
| 4-15 | MO | Parties are directed to hold PT conf. on or before 5-27-76 & file PT Order on or before 6-3-76. (AEB-J)k cps by cert ml | |
| 6-14 | 15. | Pltf's. proposed Pre-Trial order, filed.s | |
| 6-15 | 16. | Deft's proposed pretrial order, filed.s | |
| 7-29 | MO | Case set for Non-Jury trial on 9-13-76, at 10:00 A.M. (AEB-J)b nts by cert ml | |
| 8-2 | 17. | Request for jury by defs., filed. rm | |
| 8-2 | 18. | Request for Jury, fld. by Pltfs. v | |
| 8-5 | 19 | Order, filed, denying parties request for Jury trial & case remains on N/J dkt. of 9-13-76. (AEB-J)b cops mld | |
| 9-10 | 20. | Mot. for cont. of non-jury trial, fld. by Pltfs. v | |
| 9-10 | MO: | Ordered that Pltf.'s mot. for cont. is overruled. (AEB-J)v -McAlester phoned. | |
| 9-10 | 21. | Ans. of Pltfs. Kenneth and Linda Thomas to Cross-Compl. of Dfts. E. Ray Ferrell, Sr., and Mrs. E. Ray Ferrell, Sr., fld. v | |
| 9-10 | 22. | Aff. of Gordon D. McAllister, Jr., re trial exhibits, etc., fld. v | |
| 9-10 | 23. | List of Witnesses, fld. by Pltf. v | |
| 9-13 | | Case called for Non-Jury trial. Parties represent ed & announce ready. Trial is passed on trailing docket until possibly first part of Oct., 1976, to follow another trial. Parties will be notified of exact date. (AEB-J)b | |
| 10-26 | MO: | Case set for Non-Jury on 11-29-76 at 10:00 a.m. (AEB-J)n nts by cert. ml w/affid. | |
| 11-8 | MO: | Case transferred to Judge Howard C. Bratton, New Mexico. Set for Non-Jury Trial on 11-29-76 at 9:30 a.m. (AEB-J)v -nts mld. cert. w/aff. | |
| 11-29 | MO: | Conference held in chambers. Counsel present. Pltf. counsel ill and case tentatively set for n/j trial for Wed., 12/1/76 at 1:00 p.m. If counsel well. If not, case to be passed to next non-jury docket. (Howard C. Bratton-J)rm | |
| 11-30 | MO: | Ordered by the Court that this case is stricken from non-jury docket of 12/1/76 to be reset at later date. Further ordered that this case is retransferred to Judge Allen E. Barrow. (Howard C. Bratton-J)rm - parties notified by phone (Pltf. counsel still ill) | |
| 12-6 | MO: | Case set for non-jury trial on 1-17-77, at 10:00 A.m. (AEB-J)b nts by cert ml w/affid. | |
| 1977 1-17 | Min: | Case called for non-jury trial. Parties present & represented. Parties announce ready. Parties excused until further notice by the Court and directed to keep in touch with the Court on the progress of the trailing docket and case to commence at end of criminal docket. (AEB-J)k | |

CIVIL DOCKET CONTINUATION SHEET

| PLAINTIFF | | DEFENDANT | DOCKET NO. _____ |
|-----------|-----|---|-------------------------|
| | | | PAGE ____ OF ____ PAGES |
| DATE | NR. | PROCEEDINGS | |
| 2-3-77 | 24. | Order of Reference to Special Master, Marilyn A. Culver, to hear evidence & make Findings of Fact & Concl. of law, filed.(AEB-J)b cps mld | |
| 4-25 | MO | Case set for non-jury trial before Special Master Marilyn A. Culver on 6-1-77 at 9: 30 a.m. (MAC-Sp. Mas)k ntc by cert ml | |
| 4-25 | MO: | IT IS ORDERED that the case is stricken, to be reset at later date.(MC-Spec.Master) b | |
| 6-21 | MO: | This case having been previously referred to a Special Master by order of the Court on 2-3-77, by agreement of the parties, IT IS ORDERED that the order appointing Special Master is withdrawn & the case is referred to U.S. Magistrate Robert Rizley for non-Jury trial.(AEB-J)b ltrs mld | |
| 7-19 | MO | Case set for non-jury trial before Mag. Robert S. Rizley as Special Master on 8-29-77 at 9:30 a.m. (RSR-Mag)k ntc by KT | |
| 8-10 | MO | By stipulation of the parties, non-jury trial set before the Mag. on 8-29-77 at 9:30 o'clock A.M. is stricken to be reset in Sept. 1977. (RSR-Mag)ho ntc by KT | |
| 9-9 | MO | Case set for non-jury trial before Mag. Rizley on 10-3-77 at 9:30 am. (RSR-Mag)k ntc by KT | |
| 9-30 | 25 | Pltfs. motion in Limine w/brief in supp. fld. ho | |
| 10-7 | 26 | Pltfs. brief in supp. of admitting evidence. fld. ho | |
| 10-12 | 27 | Defts. Brief in response. fld. ho | |
| 10-17 | | Case called for non-jury trial. Parties present & announce ready. Trial held on 10-3-77 & 10-17. Witnesses sworn & testify. Pltf & Deft. exhibits admitted. Pltf. given until 11-7-77 to file brief; Deft. given to 11-17-77 to answer & the Pltf. given to 11-27-77 to reply to answer of the deft. Case will be submitted on Findings of Fact & Conclusions of Law by Magistrate after the briefs have been filed.(RSR-Mag) b | |
| 10-17 | | Pltf's exhibits 1,2 & 3 filed. b | |
| 10-17 | | Deft's exhibits 1,2 & 3 filed. b | |
| 11-4-77 | | Reporter's Transcript of proceeding of Civil Non-Jury Trial of Oct. 3, and Oct. 17, 1977 before Robert S. Rizley, U. S. Magistrate filed. js (Orig to Mr. Rizley) | |
| 11-7 | 28 | Pltfs. trial brief. fld. ho | |
| 11-16 | 29 | Defts. response to Pltfs. trial brief. fld. ho | |
| 11-25 | MO | Mag. recommends that the Court enter judgment for the defts. & against the pltfs. Deft. counsel is granted 10 days to prepare F&R of the Mag. including F/F and C/L. (RSR-Mag)k cps mld by KT | |
| 12-16 | 30 | Findings & recommendations of the Mag., filed. Mag. recommends judgment be entered in favor of defts.; that defts' w/drawal of cross-compl. be with prejudice; and that the Court deny atty's fees for deft. (RSR-Mag)k cps mld | |
| 12-27 | 31 | Pltfs. appl. for ext. of time to plead & object to F/R of Mag. fld. ho O to J. | |
| 12-28 | 32. | Order, filed, granting pltfs. until 1-22-78 to object to F. & R of the Magistrate. (AEB-J)k cps mld to movant | |
| 1978 | | | |
| 1-20 | 33 | Pltfs. pet. to object to & set aside F/R of Mag. fld. ho | |
| 1-20 | 34 | Pltfs. brief in supp. of pet. to object to & set aside F/R of Mag. fld. ho | |
| 1-20 | MO | It is ordered that the Defts. are granted 10 days to file a responsive brief to Pltfs. pet. to obj. to & Set aside F/R of Mag. (AEB-J) c/m ho | |

CIVIL DOCKET CONTINUATION SHEET

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| PLAINTIFF | DEFENDANT | DOCKET NO. <u>75-C-321</u> |
| Kenneth R. & Linda R. Thomas | Ferrell Investment Co., et al | PAGE <u>5</u> OF <u>3</u> PAGES sheets |

| DATE | NR. | PROCEEDINGS |
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| 1978 | | |
| 1-27 | 35. | Defts' response to pltfs' request to set aside Mag.'s findings, fld.k |
| 3-16 | 36. | Order, filed & entered, that judgment should be awarded in favor of the defts. & against the pltfs., that defts' cross-compl. should be dismissed w/ prejudice, that defts' appl. to assess attys' fees against pltf. be denied, that pltfs. pay the costs of this action, & that the F/F & C/L of the Special Master should be and are adopted and affirmed. (AEB-J)k cps mld |
| 3-16 | 37. | Judgment, filed & entered, in favor of the defts. and against the pltfs, that defts' cross-compl. is dismissed w/ prejudice, that defts' appl. to assess atty fees against the pltf. is denied, and that pltfs. pay the costs of this action. (AEB-J)k cps mld |
| 3-27 | 38 | Pltfs. mot. for new trial, fld. ho |
| 3-27 | 39 | Pltfs. brief in supp. of mot. for new trial, fld. ho |
| 3-27 | MO | It is ordered that the Defts. are granted 10 days to file a responsive brief to Pltfs. mot. for new trial, (AEB-J)ho c/m |
| 3-30 | 40 | Defts. response to Pltfs. mot. for new trial, fld. ho |
| 4-4 | MO | The Court having this date mailed a copy of pltfs' motion for new trial and brief in support to deft. counsel, it is ordered that the defts. respond w/in 10 days of this date thereto. (AEB-J)k cps mld |
| 4-7 | 41 | Defts. response to mot. for new trial, fld. ho |
| 4-19 | 42 | Order, filed & entered, that pltfs' mot. for new trial is overruled. (AEB-J)k cps mld |

CIVIL DOCKET CONTINUATION SHEET

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| PLAINTIFF | DEFENDANT | DOCKET NO. _____ |
| | | PAGE ____ OF ____ PAGES |

| DATE | NR. | PROCEEDINGS |
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| DATE | DESCRIPTION | AMOUNT | CHECK NO. | BANK | INITIALS |
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